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Via Fax: 212 805-7942
Hon. Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

*Fact Discovery is enlarged to
Aug. 31, 2008. No further
enlargements. The status conf. scheduled
for 7/18/08 is postponed to
Sep. 19, 2008, 9:30 am.
6-25-08
June 24, 2008
Alvin Hellerstein*

Re: Jose Medina v. The City of New York, et al.
07CV6215

Honorable Alvin K. Hellerstein:

This is a joint letter to request a 45 day extension of discovery. This is a false arrest and excessive force case in which the plaintiff alleges that he was falsely arrested and beaten sustaining a fractured thumb, among other injuries. Plaintiff alleges that he was placed in a patrol car and thereafter dropped on a street, having been seriously injured. The City denies the allegations.

The plaintiff's deposition was taken. Tomorrow, three non party witnesses are scheduled to appear. Thursday another three witnesses are scheduled to appear and one more on Monday. I received an email from defense counsel that she is attempting to arrange for depositions of the eight defendant officers, however, some are currently on vacation and therefore unreachable and one is no longer with the police force. Defense counsel has indicated that she may require several weeks to arrange for their depositions. Additionally, the parties have agreed that defense counsel will identify substantiated and unsubstantiated CCRB and IAB complaints of a similar allegations to those contained in the complaint i.e. excessive force and false arrest, and for false statement, within ten years of the filing of the complaint. To the extent such complaints exist, defense counsel has agreed to provide plaintiff with copies of the closing memos pursuant to the Stipulation and Protective Order the parties previously executed. Plaintiff intends to review said records and make appropriate follow up demands, if warranted.

Plaintiff has recently disclosed two experts and one treating physician. Defense counsel may seek discovery from these witnesses if necessary.

Defense counsel is scheduled to commence a trial in another civil rights matter in the Eastern District of New York on July 21, 2008, and the trial is expected to last one week.

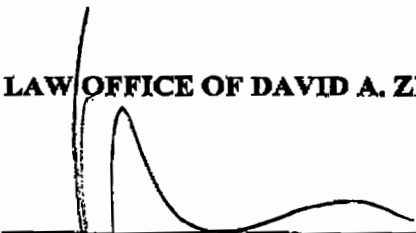
Defense counsel also has requested that plaintiff complete several additional releases for medical, employment and workers compensation records based on the testimony provided in plaintiff's deposition. Plaintiff objects to providing several of these releases. At this time, the parties are working together to try to reach an agreement without Court intervention. Notwithstanding, the parties require additional time to resolve this issue, and upon receipt of properly executed releases, to obtain any documents that may exist. It can take up to one month to obtain medical records once a properly executed release is received.

Therefore, the parties respectfully request that given the volume of discovery needed in this matter that a 45 day extension be granted to complete outstanding discovery.

Thank you for your consideration.

Respectfully Submitted:

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